

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

BRUCE CONTWAY, as Personal
Representative of the Estate of
KATHLEEN CONTWAY,

Plaintiff,

vs.

LORETTA LUKENS and
REHABILITATION NURSING
CONSULTANTS, INC., an Arizona
Corporation,

Defendant.

Cause No. CV 24-31-GF-BMM

ORDER

Plaintiff Bruce Contway, Personal Representative of the Estate of Kathleen Contway, filed motions for entry of default against Defendants Loretta Lukens and Rehabilitation Nursing Consultants, Inc., an Arizona corporation. (Docs. 27; 30.) The Clerk of Court entered default on April 25, 2025. (Docs. 28;29; *See* also Fed. R. Civ. Pro 55(a)). Plaintiff properly served Defendants with process on April 28, 2024. (Doc. 30-11.) Defendants did not file a responsive pleading or otherwise

defend the complaint.

The Court held a hearing on Plaintiff's application for default. (Doc. 40.) The Court finds that good cause exists, and evidence presented by Plaintiff supports entry of default against Defendants Loretta Lukens and Rehabilitation Nursing Consultants, Inc, an Arizona Corporation.

Accordingly, **IT IS ORDERED** that Plaintiff's motion for entry of default (Doc. 30.) is **GRANTED** and judgment should be entered as follows:

1. The Estate of Kathleen Contway damages amount \$ 2,172,499.
2. The Court finds that Defendants' wrongful conduct was aggravated by the kind of actual malice and actual fraud for which Montana law allows the imposition of exemplary damages. The Estate of Kathleen Contway is owed exemplary damages in the amount of \$2,000,000 by Defendant pursuant to § 27-1-220(2)-(3) Mont. Code. Ann.
3. The Court finds that the Plaintiff is entitled to recover attorney fees in the amount of \$45,000.
4. The sum of recovery owed to Plaintiff by Defendant is \$4,172,499.
5. Defendant also shall pay attorney fees in the amount of \$45,000, plus statutory interest from entry of judgment, and that execution should be issued.
6. The Clerk of Court shall enter Judgment accordingly and close this case.

DATED this 11th day of June, 2025.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court